

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Andrew Ridge	Team: Squad #5	CCRB Case #: 201706597	<input checked="" type="checkbox"/> Force <input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> Discourt. <input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> U.S. <input type="checkbox"/> Injury
Incident Date(s) Tuesday, 08/08/2017 1:07 AM	Location of Incident: § 87(2)(b) and the 43rd Precinct stationhouse		Precinct: 43	18 Mo. SOL 2/8/2019	EO SOL 2/8/2019
Date/Time CV Reported Fri, 08/11/2017 12:13 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 08/11/2017 12:13 AM		

[illegible]

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Kevin Odoherthy	03206	921025	ESS 04
2. An officer			Unknown
3. Officers			Unknown
4. SGT Joseph Castaldo	00358	938189	CW T TF
5. AC Fausto Pichardo	00000	923460	P S B
6. POM Nelson Acevedo	06642	937937	043 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Timothy Breheny	07943	959508	043 PCT
2. DTS Jorge Salazar	01253	923098	ESS 09
3. DT2 Gerard Abbene	01329	907632	ESS 08
4. POM Carlos Ochoa	03505	961028	043 PCT
5. POM Giovanni Delacruz	15711	941271	043 PCT
6. POM Dionis Reyes	20613	959126	043 PCT
7. POM Richard Rosario	20144	962755	043 PCT
8. POM Lenin Peralta	07809	949466	043 PCT
9. POM Miguel Rodriguez	18513	959144	043 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
10. POF Krystal Snow	09644	961309	043 PCT
11. POF Chanelle Hunter	12607	956750	043 PCT
12. POM Jeong Lee	21169	958805	043 PCT
13. POM Rishi Joy	21171	951855	043 PCT
14. POF Jessica Perez	01248	959065	043 PCT
15. POF Amarinder Vucetovic	03379	954993	043 PCT
16. POM Felix Rodriguez	07060	954281	043 PCT
17. DTS Conway Reivers	06797	907132	ESS 03
18. DT2 Walter Szachacz	05005	909475	ESS 03
19. POM Christian Diaz	21111	958502	043 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers drew their guns inside § 87(2)(b) in the Bronx.	
B. Officers	Force: Officers pointed their guns at § 87(2)(b) inside § 87(2)(b) in the Bronx.	
C. Officers	Force: Officers pointed their guns at § 87(2)(b) inside § 87(2)(b) in the Bronx.	
D. Officers	Discourtesy: Officers spoke discourteously to § 87(2)(b) inside § 87(2)(b) in the Bronx.	
E. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b) inside § 87(2)(b) in Bronx.	
F. An officer	Off. Language: An officer made remarks to § 87(2)(b) based upon ethnicity inside § 87(2)(b) in the Bronx.	
G. Officers	Force: Officers used physical force against § 87(2)(b) in front of § 87(2)(b) in the Bronx.	
H.SGT Kevin Odoherty	Abuse: Sergeant Kevin Odoherty entered § 87(2)(b) in the Bronx.	
I.SGT Kevin Odoherty	Abuse: Sergeant Kevin Odoherty searched § 87(2)(b) in the Bronx.	
J. Officers	Discourtesy: Officers spoke discourteously to § 87(2)(b) inside § 87(2)(b) in the Bronx.	
K. Officers	Discourtesy: Officers spoke discourteously to § 87(2)(b) inside § 87(2)(b) in the Bronx.	
L. Officers	Discourtesy: Officers spoke discourteously to § 87(2)(b) inside § 87(2)(b) in the Bronx.	
M. Officers	Abuse: Officers threatened § 87(2)(b) with the use of force inside § 87(2)(b) in the Bronx.	
N. Officers	Abuse: Officers threatened § 87(2)(b) with the use of force inside § 87(2)(b) in the Bronx.	
O. Officers	Abuse: Officers threatened § 87(2)(b) with the use of force inside § 87(2)(b) in the Bronx.	
P. An officer	Off. Language: An officer made remarks to § 87(2)(b) based upon ethnicity inside § 87(2)(b) in the Bronx.	
Q.SGT Joseph Castaldo	Abuse: Sergeant Joseph Castaldo detained § 87(2)(b)	
R.SGT Joseph Castaldo	Abuse: Sergeant Joseph Castaldo detained § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
S.SGT Joseph Castaldo	Abuse: Sergeant Joseph Castaldo detained § 87(2)(b) [REDACTED]	[REDACTED]
T.SGT Joseph Castaldo	Abuse: Sergeant Joseph Castaldo detained § 87(2)(b) [REDACTED]	[REDACTED]
U.SGT Joseph Castaldo	Abuse: Sergeant Joseph Castaldo detained § 87(2)(b) [REDACTED]	[REDACTED]
V.SGT Joseph Castaldo	Abuse: Sergeant Joseph Castaldo detained § 87(2)(b) [REDACTED]	[REDACTED]
W.SGT Joseph Castaldo	Abuse: Sergeant Joseph Castaldo detained § 87(2)(b) ai § 87(2)(b) [REDACTED]	[REDACTED]
X.SGT Joseph Castaldo	Abuse: Sergeant Joseph Castaldo detained § 87(2)(b) [REDACTED]	[REDACTED]
Y.SGT Joseph Castaldo	Abuse: Sergeant Joseph Castaldo detained § 87(2)(b) [REDACTED]	[REDACTED]
Z.SGT Joseph Castaldo	Abuse: Sergeant Joseph Castaldo detained § 87(2)(b) [REDACTED]	[REDACTED]
2A.SGT Joseph Castaldo	Abuse: Sergeant Joseph Castaldo detained § 87(2)(b) [REDACTED]	[REDACTED]
2B.SGT Joseph Castaldo	Abuse: Sergeant Joseph Castaldo detained § 87(2)(b) [REDACTED]	[REDACTED]
2C. Officers	Force: Officers used physical force against § 87(2)(b) [REDACTED] in front of the 43rd Precinct stationhouse.	[REDACTED]
2D.AC Fausto Pichardo	Discourtesy: Inspector Fausto Pichardo spoke discourteously to § 87(2)(b) [REDACTED] inside the 43rd Precinct stationhouse.	[REDACTED]
2E.POM Nelson Acevedo	Abuse: Police Officer Nelson Acevedo entered § 87(2)(b) [REDACTED] in the Bronx.	[REDACTED]
2F.POM Nelson Acevedo	Abuse: Police Officer Nelson Acevedo searched § 87(2)(b) [REDACTED] in the Bronx.	[REDACTED]

Summary of Complaint

On August 11th, 2017, § 87(2)(b) filed this complaint with the CCRB online.

On August 8th, 2017, at approximately 1:07AM, inside § 87(2)(b) in the Bronx, officers drew their guns and eventually pointed them at § 87(2)(b) and § 87(2)(b) (Allegations A-C: Abuse of Authority, § 87(2)(g)). Officers spoke discourteously to § 87(2)(b) (Allegation D: Discourtesy, § 87(2)(g)) and an officer called § 87(2)(b) a “fucking immigrant” (Allegation E: Discourtesy, § 87(2)(g); Allegation F: Offensive Language, § 87(2)(g)). Officers used physical force against § 87(2)(b) outside § 87(2)(b) (Allegation G: Force, § 87(2)(g)). Sgt. Kevin Odoherty of the Emergency Service Unit entered and searched § 87(2)(b) (Allegations H and I: Abuse of Authority, § 87(2)(g)). Officers cursed at § 87(2)(b) and § 87(2)(b) (Allegations J-L: Discourtesy, § 87(2)(g)) and threatened to shoot them (Allegations M-O: Abuse of Authority, § 87(2)(g)). An officer made a remark to § 87(2)(b) based upon his ethnicity (Allegation P: Offensive Language, § 87(2)(g)). Sergeant Joseph Castaldo of the 43rd Precinct detained § 87(2)(b).

§ 87(2)(b) and § 87(2)(b) (Allegations Q-2B: Abuse of Authority, § 87(2)(g)). Officers used physical force against § 87(2)(b) in front of the 43rd Precinct stationhouse (Allegation 2C: Force, § 87(2)(g)). Inside the 43rd Precinct stationhouse, Inspector Fausto Pichardo of the 43rd Precinct spoke discourteously to § 87(2)(b) (Allegation 2D: Discourtesy, § 87(2)(g)). Police Officer Nelson Acevedo entered and searched § 87(2)(b) (Allegations 2E-2F: Abuse of Authority, § 87(2)(g)).

There is no relevant video footage that captures this incident.

§ 87(2)(b) only speaks French. CCRB Inv. Julian Phillips, a French speaker, obtained a phone statement in French from § 87(2)(b) and translated for § 87(2)(b) and Inv. Ridge during § 87(2)(b)'s in-person interview.

Findings and Recommendations

Allegation A—Abuse of Authority: Officers drew their guns inside § 87(2)(b) in the Bronx.

Allegation B—Force: Officers pointed their guns at § 87(2)(b) inside § 87(2)(b) in the Bronx.

Allegation C—Force: Officers pointed their guns at § 87(2)(b) inside § 87(2)(b) in the Bronx.

Allegation D—Discourtesy: Officers spoke discourteously to § 87(2)(b) inside § 87(2)(b) in the Bronx.

The following account of events is undisputed: On August 7th, 2017, at approximately 11:23PM, § 87(2)(b) conducted an armed robbery of the § 87(2)(b) located at § 87(2)(b) in the Bronx, after which time he fled to the apartment on the 2nd floor of a private house at § 87(2)(b) where a group of about twelve of his friends were drinking. Shortly after officers from the 43rd Precinct arrived on scene, they observed § 87(2)(b) standing outside § 87(2)(b). § 87(2)(b) ran inside § 87(2)(b).

§ 87(2)(b) and was followed by several officers. § 87(2)(b) ran into the 2nd floor apartment and shut and locked the door behind him.

§ 87(2)(b) and § 87(2)(b) all testified that they voluntarily came out of the apartment upon hearing officers outside tell them to open the door. (BR01-03). § 87(2)(b) alleged that officers had their guns drawn when he left the apartment. § 87(2)(b) and § 87(2)(b) alleged that officers pointed their guns at them as they came out of the apartment. § 87(2)(b) further alleged that officers told him to put his fucking hands behind his back, but could not provide a description of which officers specifically said this.

PO Diaz testified to pointing his gun at the civilians as they came out of the apartment. (BR04). PO Diaz said, “Put your hands up,” but denied using any profanity.

Twelve other officers interviewed and who testified to being present for the incident denied pointing their guns at civilians or making the alleged statement. (BR05-13, 15-18).

According to Patrol Guide Procedure 221-01, officers may use force to ensure safety, to protect human life, or when it is necessary to place a person in custody. (BR19). In all cases, any application of force must be reasonable given the circumstances. Further, this procedure notes that the decision to draw and point a firearm should be based on the articulable belief that the potential for serious physical injury is present.

§ 87(2)(b), § 87(2)(g)
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§ 87(2)(b), § 87(2)(g)
§ 87(2)(b), § 87(2)(g)
§ 87(2)(b), § 87(2)(g)

Allegation E—Discourtesy: An officer spoke discourteously to § 87(2)(b) inside § 87(2)(b) in the Bronx.

Allegation F—Offensive Language: An officer made remarks to § 87(2)(b) based upon ethnicity inside § 87(2)(b) in the Bronx.

§ 87(2)(b) testified that after he was placed in handcuffs, a male officer standing behind him said “fucking immigrant.” (BR01). § 87(2)(b) turned around but did not know who among the officers said this.

Thirteen officers interviewed and who testified to being present for the incident denied making the alleged statement or hearing any officers making the alleged statement. (BR4-13, 15-18).

§ 87(2)(b), § 87(2)(g)
§ 87(2)(b), § 87(2)(g)
§ 87(2)(b), § 87(2)(g)
§ 87(2)(b), § 87(2)(g)
§ 87(2)(b), § 87(2)(g)

Allegation G—Force: Officers used physical force against § 87(2)(b) in front of § 87(2)(b) in the Bronx.

§ 87(2)(b) testified that after officers brought him out of the house and he was placed in handcuffs, he was pushed against a fence and then brought to the ground in front of the gate of the house. (BR01). § 87(2)(b) was then slammed face-first onto the hood of a vehicle. § 87(2)(b) could not remember in any greater detail how these events occurred beyond that several officers were involved in using this force against him. § 87(2)(b) could not describe these officers. § 87(2)(b) did not allege any injury sustained as a result of this use of force.

§ 87(2)(b)'s medical records from a visit to § 87(2)(b) on § 87(2)(b) indicate that § 87(2)(b)'s chief complaint was pain to his entire body. (BR20, privileged document). § 87(2)(b) was diagnosed with acute pain due to trauma and had several small abrasions on his left shoulder.

Thirteen officers interviewed and who testified to being present for the incident denied using any physical force or witnessing any other officer use the alleged force. (BR4-13, 15-18).

§ 87(2)(b), § 87(2)(g)
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§ 87(2)(b)

Allegation H—Abuse of Authority: Sergeant Kevin Odoherty entered § 87(2)(b) in the Bronx.

Allegation I— Abuse of Authority: Sergeant Kevin Odoherty searched § 87(2)(b) in the Bronx.

§ 87(2)(b) testified that he was in § 87(2)(b)'s room with the second § 87(2)(b) and a few other friends drinking and smoking marijuana. (BR21). At approximately 11:00PM, § 87(2)(b) and § 87(2)(b) briefly came into § 87(2)(b)'s room and said the police were outside and looking for someone. About 10 minutes later, § 87(2)(b) heard knocking on the front door of the apartment. Voices from outside the apartment said “Open up. Police.” § 87(2)(b) and the second § 87(2)(b) opened the door and saw a team of ESU officers in the hallway. The ESU officers told everyone to get down on the floor, entered the apartment, and placed all of the occupants in handcuffs. § 87(2)(b) and all of the other occupants of the apartment were removed from the apartment.

§ 87(2)(b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Sgt. Odoherty testified that he received a call from the 43rd Precinct requesting ESU to respond to an incident involving an armed, barricaded perpetrator inside an apartment. (BR07). When Sgt. Odoherty arrived on scene, he briefly conferred with Sgt. Castaldo, who confirmed the information provided over the radio. As Sgt. Odoherty approached the apartment, § 87(2)(b) opened the door. Sgt. Odoherty made the decision to enter because one of the apartment's occupants was armed and so the apartment needed to be secured. Sgt. Odoherty and the other

ESU officers entered the apartment, handcuffed its occupants, and removed them from the apartment.

Sgt. Castaldo confirmed that it was Sgt. Odoherty's decision to enter the apartment (BR08). PO Acevedo testified that when ESU arrived on scene, § 87(2)(b) had not been identified as the perpetrator, nor had the firearm been recovered (BR05).

People v. Greenleaf, 222 A.D.2d 838 (1995) outlines three requirements to justify a search and entry based on the emergency exception to the warrant requirement: (1) The police must have reasonable grounds to believe that there is an emergency at hand and an immediate need for their assistance for the protection of life or property. (2) The search must not be primarily motivated by intent to arrest and seize evidence. (3) There must be some reasonable basis, approximating probable cause, to associate the emergency with the area or place to be searched. (BR23).

In Brigham City v. Stuart, 547 U.S. 398 (2006), the Supreme Court of the United States overturned the second requirement of People v. Greenleaf. (BR52).

§ 87(2)(b), § 87(2)(g)

Allegation J— Discourtesy: Officers spoke discourteously to § 87(2)(b) inside § 87(2)(b) in the Bronx.

Allegation K— Discourtesy: Officers spoke discourteously to § 87(2)(b) inside § 87(2)(b) in the Bronx.

Allegation L— Discourtesy: Officers spoke discourteously to § 87(2)(b) inside § 87(2)(b) in the Bronx.

Allegation M— Abuse of Authority: Officers threatened § 87(2)(b) with the use of force inside § 87(2)(b) in the Bronx.

Allegation N— Abuse of Authority: Officers threatened § 87(2)(b) with the use of force inside § 87(2)(b) in the Bronx.

Allegation O— Abuse of Authority: Officers threatened § 87(2)(b) with the use of force inside § 87(2)(b) in the Bronx.

§ 87(2)(b) testified that he was in § 87(2)(b)'s room with § 87(2)(b) and § 87(2)(b) eating, drinking, and watching T.V. when four ESU officers came inside. (BR24). The four officers had their firearms drawn and two of them said "Don't fucking move," "Put your hands up or we'll fucking shoot you," and "Get the fuck on the floor." When § 87(2)(b) and his friends heard this, they all stood up. In response, the officers continued to issue the same commands and brought § 87(2)(b) and his friends to the ground. § 87(2)(b) did not physically resist the officers. § 87(2)(b) and his friends remained on the ground for several minutes as officers entered other rooms in the apartment. § 87(2)(b) could not describe the officers beyond that they were white males. § 87(2)(b) and his friends were placed in handcuffs and escorted out of the apartment.

§ 87(2)(b) s and § 87(2)(b) s testimony regarding these allegations was essentially consistent with that of § 87(2)(b) although § 87(2)(b) added that the ESU officers also said “If you move, I’m going to blow your fucking head off.” (BR21-22).

§ 87(2)(b) testified that because he can only speak French, he could not understand what the officers were saying, but that none of the occupants of the apartment resisted the officers. (BR25).

Sgt. Odoherly testified that as he and other ESU officers entered the apartment, they told the occupants to get down. (BR07). Occupants of the apartment were in several different rooms. The occupants of the apartment followed these commands. Sgt. Odoherly denied saying or hearing officers use any of the aforementioned profanity or threats of force.

Det. Salazar’s testimony was essentially consistent with that provided by Sgt. Odoherly. (BR18).

§ 87(2)(b), § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation P— Offensive Language: An officer made remarks to § 87(2)(b) based upon ethnicity inside § 87(2)(b) in the Bronx.

§ 87(2)(b) testified that after he was placed in handcuffs, he asked the officers what was going on and told them that he needed his shoes. (BR03). § 87(2)(b) was barefoot. One of the officers, who § 87(2)(b) described as light-skinned black male, asked § 87(2)(b) if his ancestors in Africa used to wear shoes. § 87(2)(b) replied that he did not know. § 87(2)(b) told § 87(2)(b) to stop arguing with the officers, so § 87(2)(b) had no further conversation with this officer. § 87(2)(b) s testimony regarding this allegation was essentially consistent with that provided by § 87(2)(b) (BR22).

Thirteen officers interviewed and who testified to being present for the incident denied any conversation regarding the alleged offensive language or witnessing this occur. (BR4-13, 15-18). None of these officers is a light-skinned black male.

§ 87(2)(b), § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation Q— Abuse of Authority: Sergeant Joseph Castaldo detained § 87(2)(b)

Allegation R— Abuse of Authority: Sergeant Joseph Castaldo detained § 87(2)(b)

Allegation S— Abuse of Authority: Sergeant Joseph Castaldo detained § 87(2)(b)

Allegation T— Abuse of Authority: Sergeant Joseph Castaldo detained § 87(2)(b)

Allegation U— Abuse of Authority: Sergeant Joseph Castaldo detained § 87(2)(b)

Allegation V— Abuse of Authority: Sergeant Joseph Castaldo detained § 87(2)(b)

Allegation W— Abuse of Authority: Sergeant Joseph Castaldo detained § 87(2)(b)

Allegation X— Abuse of Authority: Sergeant Joseph Castaldo detained § 87(2)(b)

Allegation Y— Abuse of Authority: Sergeant Joseph Castaldo detained § 87(2)(b)

Allegation Z — Abuse of Authority: Sergeant Joseph Castaldo detained § 87(2)(b)

Allegation 2A — Abuse of Authority: Sergeant Joseph Castaldo detained § 87(2)(b)

Allegation 2B — Abuse of Authority: Sergeant Joseph Castaldo detained § 87(2)(b)

It is undisputed that all occupants of the apartment were handcuffed and that Sgt. Castaldo decided to have them transported to the 43rd Precinct stationhouse after a show-up was conducted on scene. It is undisputed that only § 87(2)(b) was identified as being involved in the armed robbery, and that after the show-up, all of the civilians were transported to the stationhouse. It is undisputed that other than § 87(2)(b) none of the civilians was under arrest at the time, but rather they were being detained while the armed robbery was being investigated. The arrest reports for all of the individuals arrested, aside from § 87(2)(b) indicate that all of the civilians were arrested for the possession of a firearm in the fourth degree and the unlawful possession of marijuana. (BR26). It is undisputed that none of the detained civilians was under arrest until after the search warrant was executed, and that the civilians were detained from 1:07AM on August 8th, 2017 through 4:40PM the same day when the warrant was executed.

§ 87(2)(b) and § 87(2)(b) testified that they were told they were not under arrest. (BR01-02, 22).

Sgt. Castaldo testified that after Sgt. Odoherthy removed the civilians from the apartment, he brought him the § 87(2)(b) -floor landing and pointed out a number of shell casings which were on the ground about a foot past the threshold of the apartment. (BR08). Sgt. Castaldo told PO Acevedo to obtain a search warrant for the apartment because the firearm was likely still inside. All 12 civilians were transported to the 43rd Precinct stationhouse because none of them could explain why the bullets were on the ground, and as such, they needed to be brought to the stationhouse and held there for investigatory purposes. At some point, PO Acevedo requested an emergency search warrant, but a few hours after this request was made, it was denied. This caused the delay in holding the civilians in the precinct stationhouse until the execution of the search warrant in the afternoon.

People v. Hicks, 68N.Y.2d established that in evaluating whether an investigative detention is unreasonable, the test to be applied is whether a reasonable person, innocent of any crime, would have thought they were under arrest (as opposed to solely detained) had they been in the defendant's position. (BR27). The following factors are considered in determining the reasonableness of a detention: whether the person is handcuffed, whether they are taken to the stationhouse, the total time of the detention, the distance of the detention from the location of the initial stop, and whether the person is told if they are under arrest.

This standard was upheld in People v. Ryan, 12 N.Y.3d 28. (BR28).

§ 87(2)(b), § 87(2)(g)

Allegation 2C —Force: Officers used physical force against § 87(2)(b) in front of the 43rd Precinct stationhouse.

§ 87(2)(b) testified that after officers in the police van told him that he was not under arrest, he refused to leave the vehicle. (BR01). A white male officer, a white female officer, and other officers dragged him out of the police vehicle. § 87(2)(b) could provide no further description of the subject officers. § 87(2)(b) could not say where on his body officers took hold of him and could not further describe the force used by these officers. § 87(2)(b) did not move his legs or any other part of his body as he was dragged.

§ 87(2)(b)'s medical records from a visit to § 87(2)(b) on § 87(2)(b) indicate that § 87(2)(b)'s chief complaint was pain to his entire body. (BR20, privileged document). § 87(2)(b) was diagnosed with acute pain due to trauma and had several small abrasions on his left shoulder.

PO Perez, a female officer, was the only officer present for the incident who matched the description of the white female officer. PO Perez testified that she did not transport any of the civilians to the precinct stationhouse, and denied using any force against the civilians. (BR16).

PO Rosario's and PO Peralta's memo books noted that they were involved in lodging civilians in the holding cells. (BR29-30).

PO Rosario testified that he transported several civilians back to the stationhouse, but could not recall if he was involved in escorting any of the civilians from the police vehicles to the stationhouse. (BR12). Once PO Rosario was inside the stationhouse, he saw several officers escorting a civilian who pushed them with his shoulders. PO Rosario could not recall the identity of the officers who were escorting the male civilian.

PO Peralta testified that he was not involved in escorting civilians from the police vehicles to the stationhouse. (BR13).

Thirteen officers interviewed and who testified to being present for the incident denied using any physical force or witnessing any other officer use the alleged force. (BR4-13, 15-18).

§ 87(2)(b), § 87(2)(g)
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Allegation 2D —Discourtesy: Inspector Fausto Pichardo spoke discourteously to § 87(2)(b) inside the 43rd Precinct stationhouse.

§ 87(2)(b) testified that while in the holding cells, Ins. Pichardo spoke with him and the other occupants of the apartment. (BR22). Ins. Pichardo said that everyone needed to calm down because the officers had fucked up in bringing everyone back to the stationhouse.

During his initial phone statement, § 87(2)(b) testified that while in the holding cells, an officer told everyone that the officers had made a mistake, but alleged no profanity. (BR31).

Ins. Pichardo testified that he had no interactions with the civilians while they were in the holding cells and denied telling the civilians officers had "fucked up." (BR32). Ins. Pichardo spoke with four civilians involved in this incident several days after their release from custody. The civilians spoke with Ins. Pichardo in the civilian waiting room of the stationhouse and

requested Ins. Pichardo provide them with information about a car that had been impounded during this incident. Ins. Pichardo provided the civilians with this information and had no further interaction with them.

§ 87(2)(g)

Allegation 2E—Abuse of Authority: Police Officer Nelson Acevedo entered § 87(2)(b) in the Bronx.

Allegation 2F— Abuse of Authority: Police Officer Nelson Acevedo searched § 87(2)(b) in the Bronx.

A copy of the search warrant for § 87(2)(b) was requested by PO Acevedo, and was issued by the Honorable § 87(2)(b) on § 87(2)(b). (BR33). The warrant authorized officers to enter and search § 87(2)(b) in the Bronx.

PO Acevedo testified that he was present during the execution of the warrant. (BR05).

§ 87(2)(b), § 87(2)(g)

Potential Issues

- On August 28th, 2017, an individual who identified himself as § 87(2)(b) filed a duplicate complaint for this incident with the CCRB: Case 201707052. § 87(2)(b) reported that he was among those arrested during this incident. § 87(2)(b)'s name, pedigree information, and contact information did not align with any of the information noted for any of the arrestees. Despite multiple contact attempts, § 87(2)(b) did not cooperate in providing the CCRB with a verified statement. As such, the CCRB was unable to establish § 87(2)(b)'s identity among the arrestees. It therefore follows that if § 87(2)(b) was in fact arrested, one of the victims of the detention has been listed twice by different names.
- Despite multiple contact attempts, the CCRB was unable to obtain verified statements from § 87(2)(b) and § 87(2)(b).

Mediation, Civil, and Criminal Histories

- This case was not suitable for mediation due to arrests.
- The NYC Office of the Comptroller indicated that the following individuals filed notices of claim regarding false arrest, false imprisonment, assault, battery, malicious prosecution, and deprivation of civil rights, and have requested to be compensated five million dollars: § 87(2)(b) and § 87(2)(b) (BR51).

- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)

Civilian and Officer CCRB Histories

- This is the third CCRB complaint involving § 87(2)(b) and the second containing FADO allegations. (BR41). The first complaint involving § 87(2)(b) CCRB Case 2017100599, generated one entry allegation which was closed as Exonerated.
- This is the first CCRB complaint involving § 87(2)(b) (BR42).
- This is the first CCRB complaint involving § 87(2)(b) (BR43).
- This is the third CCRB complaint involving § 87(2)(b) (§ 87(2)(b)) served as a witness in the first CCRB Complaint. The second complaint involving § 87(2)(b) CCRB Case 201501818, generated one force allegation, which was closed as Complainant Uncooperative.
- This is the first CCRB complaint involving § 87(2)(b) (BR45).
- This is the first CCRB complaint involving § 87(2)(b) (BR46).
- This is the first CCRB complaint involving § 87(2)(b) (BR47).
- Sgt. Odoherthy has been a MOS for 20 years, and this is the 14th CCRB complaint filed against him. (BR48). The previous 13 complaints generated a total of 32 allegations, one of which is Abuse – Premises entered and/or searched. The CCRB has not substantiated any of these allegations, and the NYPD has not imposed any discipline pursuant to these CCRB cases.
- Sgt. Castaldo has been a MOS for 12 years, and this is the fourth of five CCRB complaints filed against him. (BR49). The previous three complaints and the fifth complaint together generated a total of six allegations, § 87(2)(g). The CCRB has not substantiated any of these allegations, and the NYPD has not imposed any discipline pursuant to these CCRB cases.
- Ins. Pichardo has been a MOS for 18 years, and this is the first CCRB complaint filed against him. (BR50).
- PO Acevedo has been a MOS for 12 years, and this is the sixth CCRB complaint filed against him. (BR14). The previous five complaints generated a total of five allegations,

§ 87(2)(g) The CCRB has not substantiated any of these allegations, and the NYPD has not imposed any discipline pursuant to these CCRB cases.

Squad No.: 5

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date